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*County of Loudoun*  
*Memorandum*

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**TO:** Board of Supervisors  
**DATE:** January 2, 2014  
**FROM:** Tim Hemstreet, County Administrator  
**SUBJECT:** Summary of Agenda

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The Loudoun County Board of Supervisors meets at 4:00 p.m. in the County Government Center, 1 Harrison Street, S.E., Leesburg, VA.

(\* *Proposed on Consent*)

- I. Call to Order - Chairman York**
- II. Invocation/Pledge of Allegiance – Supervisor Clarke**
- III. Organizational Matters**
  - A. Adoption of Rules of Order
  - B. Election of Vice-Chairman
  - C. Standing Committee Assignments
  - D. Appointments to Regional and County Committees and Commission
- IV. Adoption of Consent Agenda**
- V. Requests for Additions/Deletions to the Agenda**
- VI. Closed Session**
- VII. Chairman’s Information Items (AS NEEDED)**
- VIII. Administrator’s Comments**
- IX. Information Items**

I-1 Briefing Item: Land Development Applications January 8, 2014 Public Hearing (Merrithew/Pastor)

The Board’s January 8, 2014 Public Hearing includes four land development applications and ZOAM-2013-0004, which proposes modifying the special exception and permitted uses in a number of business zoning districts. Supervisors will already have the staff reports for the

Public Hearing. The purpose of this item is to solicit any Supervisor questions or comments concerning the land use application so staff can respond at the hearing. A Summary of the applications are attached to the item.

## **X. Action Items**

### **1. APPOINTMENTS**

#### **\*Confirmations**

#### **Nominations**

Confirmations are expected for the following advisory bodies: Affordable Dwelling Unit Advisory Board, Communications Commission, Community Criminal Justice Board, Courthouse Grounds and Facility Committee, Facilities Standards Manual Public Review Committee, Family Services Advisory Board, Fire and Rescue Commission, Heritage Commission, Library Board of Trustees. Nominations are expected for: Disability Services Board, Fiscal Impact Committee, Heritage Farm Museum Working Group and Loudoun Water. The following Committees, Boards and Commissions have vacancies and/or pending appointments: Advisory Commission on Youth, Board of Equalization, Commuter Bus Advisory Board, Heritage Commission, Library Board of Trustees, Joint Committee – Volunteer Working Group, Affordable Dwelling Unit Advisory Board, Building Code and Appeals Board, Community Services Board, Disability Services Board, Family Services Advisory Board, Housing Advisory Board, Housing Choice Voucher Resident Advisory Board, Landfill Special Exception Review Committee, Loudoun Health Council (4 terms expire 9/30/13), Towing Advisory Board. The following Regional Advisory Groups have vacancies: Northern Virginia Regional Park Authority Board, Route 28 District Highway Advisory Board, and Bull Run Alcohol Safety Action Program.

### **2. \*Administrative Items Report of January 2, 2014**

This Report contains the following items for the Board of Supervisors approval on January 2, 2014: Budget Adjustments; Board of Supervisors Minutes; Deeds for Approval; Timeline Extension for CMPT-2013-0008 – Cascades Business Center Telecommunication; Request for Use of Courthouse Grounds for Martin Luther King Walk.

### **3. Boundary Line Adjustment Agreement Between the Town of Purcellville and the County of Loudoun (Blue Ridge District) (Roberts)**

The Town of Purcellville and the owner of the Autumn Hill/Mayfair property have negotiated an alternative development plan for that property and reached an agreement on town utility service. As a result of these negotiations, the Town, with the concurrence of the landowner, requests that the County approve a boundary line adjustment agreement under Va. Code § 15.2-3106 *et seq.* for the purpose of incorporating this property into the corporate limits of the Town. The Board advertised the agreement and conducted a

public hearing on December 11, 2013. The item was placed on the January 2, 2014 meeting for action. The Town has provided notice and hearing and has approved and executed the agreement.

4. ZOAM 2012-0005/Proposed Zoning Ordinance Amendment to Revise the Child Care Facilities Regulations in the Revised 1993 Zoning Ordinance (Countywide)  
(Thomas/Dozier/Seigfried)

In accordance with the Resolution of Intent to Amend approved by the Board of Supervisors at its June 5, 2013 Business Meeting, Staff has prepared an amendment to the Revised 1993 Loudoun County Zoning Ordinance to amend the regulations related to Child Care Facilities. The purpose of the amendment is to address the inconsistencies between the Zoning Ordinance and State regulations, and to add and revise additional use regulations to address potential impacts of the Child Care Home use. The proposed Zoning Ordinance amendment proposes to: 1) increase the maximum number of children permitted in a Child Care Home from nine (9) to twelve (12); 2) decrease the age of children included in the calculation of the number of children cared for in a Child Care Home from under the age of fourteen (14) to under the age of thirteen (13); 3) add new, and revise existing, additional use regulations for Child Care Homes and Child Care Centers; 4) amend the definitions of Child Care Homes and Child Care Centers; and 5) remove Child Care Home as a permitted use in the R-24, Multifamily Residential Zoning District. The Planning Commission held their public hearing on the subject Zoning Ordinance amendment on July 16, 2013. There were 10 members of the public that spoke. The Planning Commission forwarded the subject amendment to a Subcommittee to discuss the issues identified by members of the public and Staff (8-0-1, Salmon absent). The Planning Commission Subcommittee held three work sessions (July 23, September 10 and September 25, 2013) to review the proposed draft text, and discussed the issues identified, and to develop recommendations for the full Commission. The full Commission held their work session on October 22, 2013 to discuss the amendment and the recommendations from Staff and the Subcommittee. The Commission voted 8-0-1 (Salmon absent) to forward Staff's recommended draft, with minor edits, to the Board with a recommendation of approval. The Board held their public hearing on the subject Zoning Ordinance amendment on December 11, 2013. There was one member of the public that spoke. At the conclusion of the public hearing, the Board voted (7-1-1, Volpe opposed, Higgins absent) to forward the amendment to the January 2, 2014 Board Business Meeting for action.

AND

Intent to Amend the Land Development Application Fee Schedule to Revise the Fees Associated with Child Care Homes in Conjunction with the Proposed Zoning Ordinance Amendment to the Child Care Facilities Regulations (ZOAM 2012-0005) (Countywide)  
(Thomas/Dozier/Seigfried)

In conjunction with the proposed Zoning Ordinance amendment to amend the regulations for Child Care Facilities (ZOAM 2012-0005), the County's Land Development Application Fee Schedule is proposed to be amended to: 1) establish a new category for a Minor Special Exception (SPMI) application to approve a Child Care Home use with a fee of \$350.00; 2) reduce the fee for a SPMI application to modify the Additional Use Regulations for a Child Care Home use from \$1870.00 to \$350.00; and 3) increase the fee for a Zoning Permit application for a Child Care Home use from \$165.00 to \$200.00. The Board held their public hearing on the proposed amendment on December 11, 2013. There was one member of the public that spoke. At the conclusion of the public hearing, the Board voted (7-1-1, Volpe opposed, Higgins absent) to forward the proposed amendment to the Land Development Application Fee Schedule for Child Care Homes, to the January 2, 2014 Board Business Meeting for action.

5. Commissioner of Revenue's County Salary Supplement (Mays)

On June 1, 2004, the Board of Supervisors adopted the practice of providing county salary supplements to constitutional officers based on a current signed cooperative agreement with the county. On December 5, 2012, the Board of Supervisors voted to return the real estate assessment function to the Office of the Commissioner of the Revenue. Staff recommends that the Board of Supervisors approve a one-time increase to the county salary supplement paid to the Commissioner of the Revenue in the amount of \$8,500 to recognize the increased scope of responsibility and complexity of the position as a result of the addition of the real estate assessment function. There are two issues that the Board may wish to consider when reviewing this item: county salary supplements paid to other Loudoun County constitutional officers; and salaries of county staff in the Executive III (E3) salary range. The Office of the Commissioner of the Revenue has enough funds available in its FY 2014 appropriation to absorb the proposed increase to the county salary supplement. The estimated yearly total compensation cost in FY 2015 would increase by approximately \$10,972 from the current amount of \$176,818 to \$187,790 as a result of the proposed increase to the county salary supplement (inclusive of other fringe benefit rate increases).

6. County Administrator Salary Adjustment

At the December 4, 2013, business meeting, the Board of Supervisors entered into closed session to discuss the annual performance evaluation for the County Administrator. Based on that discussion, this item is presented for the purpose of approving a 3% performance increase for the County Administrator.

7. **Finance/Government Services and Operations Committee Reports:**

7a. \*Contract Award/Architectural Services (Kroboth/Glassmoyer/Bresley)

The County uses contracts to provide Architectural Design Services in support of the approved Capital Facilities Improvement Program. However, the contracts are available to support any requirements the County has for architectural design. This contract is

separated into Group 1 for Architectural Design Services and Group 2 for Public Safety Architectural Design Services. The types of projects that are anticipated to be designed under this contract from both Group 1 and 2 are fire and rescue stations, renovations to existing fire and rescue stations, sheriff stations, court facilities, community center renovations, libraries, transit facilities, parks and residential services facilities. On December 18, 2013 the Finance/Government Services & Operations Committee voted 3-0-2 (Reid absent and Letourneau absent for the vote) to recommend that the Board of Supervisors authorize the Purchasing Agent to award one-year contracts for Architectural Services to Grimm and Parker Architecture, Inc. and Moseley Architects, P.C. for Group 1 services; and Moseley Architects, P.C., Samaha Associates, P.C and Dewberry Architects, Inc. for Group 2 services, in the estimated amount of \$4,000,000. Funding for this contract would come from various sources, including the Capital Improvements Fund, the Capital Asset Preservation Program, the Department of Transportation & Capital Infrastructure FY 2014 - 2015 operational budget, the Department of General Services FY 2014 - 2015 operational budget, and Proffer funds. No additional funding is requested.

7b. \*Contract Award/Fort Evans Road Phase 2 & Riverside Parkway Improvements (Kroboth/Glassmoyer/Bresley)

The purpose of this project is to widen Riverside Parkway from the intersection of Upper Meadow Drive and Kingsport Drive to River Creek Parkway from two (2) lanes to four (4) lanes and Fort Evans Road from Menlow Drive to River Creek Parkway from two (2) lanes to four (4) lanes. The total length of project is approximately 0.8 miles. Improvements include pavement widening, curb and gutter, storm sewer, traffic/pedestrian signal installation, signage & striping, landscaping and lighting. This project will ultimately widen the entire intersection at Riverside Parkway and Rivercreek Parkway by adding turn and thru lanes and creating 4 lanes of continuous traffic flow in this now constricted intersection. Pedestrian improvements include crosswalks and signals that will aid in accessing the existing pathways on the north side of the project. On December 18, 2013 the Finance/Government Services and Operations Committee voted 3-0-2 (Reid absent and Letourneau absent for the vote) to recommend to the Board of Supervisors that the Purchasing Agent be authorized to award a contract for the construction of the Fort Evans Road Phase 2 & Riverside Parkway Improvements project to Branch Highways, Inc. in the estimated amount of \$3,029,625. Sufficient funding is appropriated in the Riverside Parkway project account in the Capital Fund, and being held in escrow by GTIS-HOV Festival Lakes, LLC. No additional funding is requested.

7c. \*Award Authority Increase/Commissioning Services (Kroboth/Glassmoyer/Bresley)

This contract provides fundamental commissioning and enhanced commissioning for LEED on an "as needed" basis to support the County's Capital Improvement Program (CIP). Commissioning is an important aspect of project development that provides assurance that the building systems and equipment are properly designed, installed and are performing as intended. This verification is best performed by a third-party

Commissioning Agent. Increasing the award authority of the Commissioning Services Contract is needed to support projects such as: the Phase II Expansion of the Courts Complex; the Public Safety Firing Range; the Ashburn Sheriff Station, the Lovettsville Community Center; the Aldie Fire Station, the Dulles South Aquatic Center and the Dulles South Senior Center. On December 18, 2013 the Finance/Government Services & Operations Committee voted 3-0-2 (Reid absent and Letourneau absent for the vote) to recommend to the Board of Supervisors that the Purchasing Agent be authorized to increase the award authority for the Commissioning Services Contract, awarded to Brinjac Engineering, Inc., Burns & McDonnell Engineering Company, Inc. and Sebesta Blomberg & Associates, Inc. from \$500,000 to \$1,200,000. Sufficient funding is appropriated in the Capital Fund for this increase. No additional funding is requested.

7d. \*Contract Award/Removal of Murray's Ford Bridge (Pezzullo/Williford/Bresley)

Murray's Ford Bridge is the derelict remnant of a concrete highway bridge that, from 1916 to 1969, spanned the Goose Creek as Route 643 (Sycolin Road) and connected Leesburg with the Ashburn area. In 1969 a new bridge was built and approximately ½ mile of Sycolin Road was realigned thereby eliminating the need for the old Murray's Ford Bridge. As part of the 1969 realignment, VDOT removed the ramps connecting each end of the bridge to the stream banks, but did not remove the main spans of the bridge. In 1970 the Board of Supervisors adopted a resolution to "discontinue" the road segment that includes the bridge but retain the right-of-way for possible recreational access to the stream. The bridge supports remain attached to the streambed approximately one mile west of Belmont Ridge Road and just south of Sycolin Road. As debris washes down Goose Creek, much of it becomes lodged on the old bridge supports creating an obstruction that forces water to the sides of the channel resulting in significant stream bank erosion and loss of adjacent land. On December 18, 2013 the Finance/Government Services & Operations Committee voted 3-0-2 (Reid absent and Letourneau absent for the vote) to recommend to the Board of Supervisors that the Purchasing Agent be authorized to award a contract for the removal of the Murray's Ford Bridge to Facchina Construction Company, Inc. in the estimated amount of \$662,000. Sufficient funding is appropriated in the FY-2014 Murray's Ford Bridge Removal CIP project and the FY-2014, Stormwater Management CIP project for this contract award. No additional funding is requested.

7e. \*CIP Amendment/Improvements to Fire & Rescue Training Center Props (Kroboth/Brown)

The FY 2011 Capital Improvement Program (CIP) appropriated \$1,215,000 in cash proffers to design and construct four prop-lots for fire and rescue training and procure training props to simulate a range of potential threats to the general public, as well as fire and rescue personnel. The majority of the project was completed in July 2013. However, there are three specific training props that require supplemental funding to complete: a flash-over simulator (\$100,000), two metro cars for the light-rail prop-lot (\$400,000), and a building modification to install a driving simulator for command control training

(\$9,000). On December 18, 2013 the Finance/Government Services and Operations Committee voted 3-0-2 (Reid and Letourneau absent) to recommend the Board of Supervisors approve Budget Adjustment #1073327 which amends the FY 2014 CIP by appropriating and transferring \$509,000 in cash proffers from the Public Facilities Trust Fund to the Capital Fund for these capital improvements.

7f. FY 2013 Year-End Financial Condition and Fund Balance Appropriations  
(Romanchyk/Mays)

This staff report presents the County's fund balances at June 30, 2013 and options for their use. On December 18, 2013 the Finance/Government Services and Operations Committee voted 4-0-1 (Reid absent) to recommend that the Board of Supervisors use \$20,501,780 of unassigned FY 2013 fund balance for: 1) Reserving \$12,000,000 for a potential tax rate reduction for FY 2015; 2) Funding of \$500,000 for commercial business-development incentives; 3) Funding of \$100,000 for rural business-development incentives; 4) Funding of \$1,000,000 for the purchase of new voting machines; 5) Funding of \$5,600 in Department of Information Technology for dual monitors and desktop scanners; 6) Funding \$9,380 for the Commissioner of Revenue for tax assessment system training; 7) Funding of \$1,930,151 to fully fund the Volunteer Fire and Rescue Length of Service Retirement Plan (LOSAP) liability; 8) Funding of \$330,000 for softball field lighting improvements at the Potomac Lakes Sportsplex; 9) Funding of \$75,000 for construction of an underground water tank in the Courtland subdivision; 10) Funding of \$330,000 for softball field lighting improvements at the Potomac Lakes Sportsplex; 11) Funding of \$800,000 for a Park View High School artificial turf field; 12) Funding of \$1,044,517 from the LCPS fund balance for use in the FY 2015 Capital Improvement Program for school projects; 13) Reserving \$365,000 for the establishment of the Emergency Medical Services (EMS) Transport Reimbursement Program, should the Board approve funding for this item at its December 11, 2013 public hearing; and 14) Reserving \$342,132 for modifications to the Master Deputy Program in the Sheriff's Office, should the Board approve funding for this item in January.

7g. Fund Balance Projection for the Restricted-Use Transient Occupancy Tax (TOT) Fund  
(McLellan/Mays)

Loudoun County levies a Transient Occupancy Tax (TOT) on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty consecutive days. Of the revenue generated by the tax rate, 2% is unassigned and is part of the General Fund, while 3% is restricted to be used only for promoting tourism, travel, or business that generates tourism or travel in the County. As of the close of FY 2013, there was a restricted fund balance of \$2,204,226 and a committed reserve balance of \$296,458. Actual revenue collected fell short of the budget by 5.2%. TOT revenue projections for FY 2014 are showing a 9.9% decrease in actual revenue compared to the FY 2014 budget. Shortfalls in actual revenue collected in FY 2012 and FY 2013, coupled with an expected shortfall in revenue for FY 2014, will severely impact available fund balance in the Restricted TOT fund. In order

for the Board to fulfill its current funding commitments to outside organizations in FY 2014 and FY 2015, Restricted TOT funding provided to the General Fund and Visit Loudoun will likely need to be curtailed. On December 18, 2013 the Finance/Government Services and Operations Committee voted 4-0-1 (Reid absent) to forward this item to the Board of Supervisors without a recommendation.

**8. Joint Board of Supervisors and School Board Committee Report(s):**

8a. \*Consolidation of Construction Functions between Loudoun County Public Schools (LCPS) and Loudoun County Government (MacSorley/Hemstreet)

At their September 12, 2013 meeting, the Joint Board of Supervisors and School Board Committee discussed possible areas of consolidation between LCPS and LCG. The committee passed two motions (3-1-2 Morse opposed, Higgins absent for the vote, Hornberger absent) on investigating consolidating procurement and land acquisition. Authorizing motions were subsequently approved by the full board of each body on November 6, 2013 (LCG) and November 12, 2013 (LCPS). These motions directed staffs from both organizations to work together to prepare proposals for consolidating each function and authorized the Joint Committee to coordinate and direct the process of developing these proposals. At their December 5, 2013 meeting, the Joint Committee voted 5-0-1 (Reid absent) to recommend their respective Boards approve the same action and authority for the construction function.

8b. \*Revisions to Other Post-Employment Benefits (OPEB) Agreement (MacSorley/Mays)

On December 5, 2013, the Joint Board of Supervisors and School Board Committee voted 5-0-1 (Reid absent) to recommend to their respective Boards, approval of the revised Agreement between Loudoun County Public Schools (LCPS) and Loudoun County Government on the OPEB Trust. These revisions: a) clarify the original 2009 documents; b) add the School Board Finance and Facilities Committee Chairman as a member of the Finance Board; and c) specify that the amount the School Board shall invest in the OPEB Trust shall be "determined by the School Board". The School Board adopted this agreement at their December 10, 2013 meeting.

**XI. Presentation of Ceremonial Resolutions (To start as early as 6:00 p.m.)**

R-1. \*Resolution of Commendation for Eagle Scout Kent Erwin (Approval & Presentation) (Williams)

**XII. Public Input (To start as early as 6:00 p.m.)**

**XIII. Board Comments/Disclosures (5 Minutes Each)**

**XIV. Adjourn**



Please note:

Copies of agenda items are available in the County Administrator's Office and on-line at <http://www.loudoun.gov/bosdocuments> or <http://www.loudoun.gov/index.aspx?NID=2203>. Agenda packets are usually posted by close of business on the Friday prior to the Business Meeting. The Action Report of the meeting is usually available in this packet by close of business the day following the Business Meeting. If you need assistance accessing this information contact County Administration, 703-777-0200.

If you wish to provide information to the Board via the visual display equipment in the Board Room please notify Jeanette Gilbert, Deputy Clerk, in advance of the meeting, at 703-771-5679.

If you require any type of reasonable accommodation, as a result of a physical, sensory, or mental disability, to participate in this meeting, please contact Jeanette Gilbert at (703) 771-5679. Three days notice is requested.

**FM Assistive Listening System is available at the meeting.** Agenda-01-02-14